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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		ITL.0478US (P10026)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR		Application Number	Filed
on <u>December 28, 2006</u>		09/715,752	November 17, 2000
Signature <u>Cynthia L. Hayden</u>		First Named Inventor	
Typed or printed name <u>Cynthia L. Hayden</u>		Sanjay S. Gadkari	
		Art Unit	Examiner
		2152	Lan Dai T. Truong
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Timothy N. Trop	
<input checked="" type="checkbox"/> attorney or agent of record.		Typed or printed name	
Registration number <u>28,994</u>		(713) 468-8880	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		December 28, 2006	
Registration number if acting under 37 CFR 1.34 _____		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			



*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Sanjay S. Gadkari

Serial No.: 09/715,752

Filed: November 17, 2000

For: Managing a Network of
Consumer-Use Computing Devices

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Art Unit: 2152

Examiner: Lan Dai T. Truong

Docket: ITL.0478US
P10026

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pre-appeal review is requested because the reason for maintaining the rejection is that the argued limitations are not set forth in the claims. However, in the case of claims 11 and 21, they indisputably are set forth in the claims and, therefore, there is no basis for the maintenance of the rejection.

Specifically, claim 11 calls for an article comprising a medium storing instructions that, if executed, "enable a server to:" do four things. Those four things including assigning distributed computing tasks, estimating based on the client's resource at the time when the device is to complete an assigned task, and, most importantly, determining whether the task is completed after said time and, if not, determine why the task was not completed. In other words, claim 11 is explicit that the software must enable a server to determine whether the task is completed after

Date of Deposit: December 28, 2006

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Cynthia L. Hayden


the time and, if not, determine why the task was not completed. Therefore, the position taken in the advisory action is indefensible with respect to claim 11.

Likewise, claim 21 calls for a server. The server has a storage which, among other things, determines whether a task is completed after said time and, if not, determines why the task was not completed. Again, it is indisputable that it must be the server that determines whether the task on the client is completed, not the client.

In short, the argument that the determination of why the task was not completed may be done on the client or the server does not work with respect to claims 11 and 21. Therefore, these claims and their dependent claims should be in condition for allowance.

Respectfully submitted,

Date: December 28, 2006



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